

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

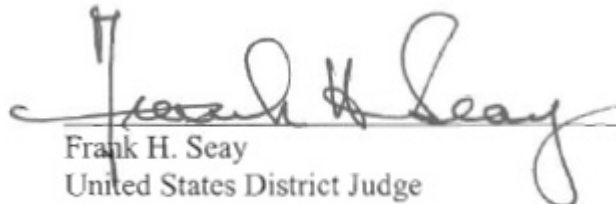
MICHAEL RAY PHILLIPS,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-07-77-FHS
)	
NORTHEAST OKLAHOMA ELECTRIC)	
COOPERATIVE, INC.; NORTHEAST)	
RURAL SERVICES, a/k/a Royal)	
Electric Corporation and Rural)	
Electric Cooperative; EXPRESS)	
PERSONNEL SERVICES; COREY)	
GREGORY; and JOHN AND JANE)	
DOES 1-10,)	
)	
Defendants.)	

ORDER

Defendant, Corey Gregory ("Gregory"), has filed a motion to dismiss five of the six claims asserted by Plaintiff in the amended complaint filed on March 28, 2007. In his motion, Gregory seeks the dismissal of Plaintiff's claims against him for (1) racial discrimination in violation of Title VII of the Civil Rights Act of 1964, (2) assault and battery, (3) retaliatory discharge in violation of the Oklahoma Worker's Compensation Act, (4) negligent hiring, retention, and supervision, and (5) wrongful discharge in violation of Oklahoma public policy. The grounds asserted by Gregory in support of dismissal are the statute of limitations (assault and battery), lack of individual liability (Title VII and wrongful discharge in violation of public policy), and failure to state a claim upon which relief can be granted (worker's compensation retaliatory discharge and negligent hiring, retention, and supervision). Gregory does not seek the dismissal of Plaintiff's claim for intentional infliction of severe emotional

distress. In his response to the motion to dismiss, Plaintiff has conceded the arguments asserted by Plaintiff in support of the dismissal of the five claims. Consequently, Gregory's motion to dismiss is granted and Plaintiff's claims against Gregory for (1) racial discrimination in violation of Title VII of the Civil Rights Act of 1964, (2) assault and battery, (3) retaliatory discharge in violation of the Oklahoma Worker's Compensation Act, (4) negligent hiring, retention, and supervision, and (5) wrongful discharge in violation of Oklahoma public policy are ordered dismissed. Plaintiff's claim against Gregory for intentional infliction of severe emotional distress is not affected by this order of dismissal.

It is so ordered this 29th day of June, 2007.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma